

Conference

Ships in need of assistance

A common European approach: learning from the MSC Flaminia

27.01.2016, 16:00 – 18:30

European Parliament – Room PHS 7C050

Welcome Addresses

Mrs **Gesine MEISSNER**, Chair of the Intergroup welcomed the participants. And highlighted the fruitful cooperation with DG MOVE on the organisation of this event. Quoting the past accident at sea, such as the MSC Flaminia, she stressed the need to develop suited and shared tool to deal with such situation at sea.

Mr **Michael CRAMER**, Chair of the TRAN committee stated that strengthening the management of the consequences of accident at sea must be a priority of the European Union. The incident of the Flaminia was a clear warning that Europe need major improvement regarding its legislation and the coordination between the competent bodies in the Member States. He recalled that TRAN Committee urged in 2012 the Commission to review its legislation. As a conclusion, he warmly thanked EMSA for its fruitful efforts.

Mr **Fotis KARAMITSOS**, Deputy Director-General (acting), Directorate-General for Mobility and Transport, congratulated all the stakeholders involved in drafting the Guidelines for delivering a good example that practical solutions can be more effective than legislation. The past accidents shown that nobody wants to provide a ship in distress with a place of refuge he said, the implementation of the Guidelines will correct it.

Presentation and Discussion on the EU Guidelines on Places of Refuge

- **Mr Hugh SHAW**, *Secretary of State's Representative (SOSREP), UK*, explained that he received the call advising that the MSC Flaminia was in distress. Over the next two months many different actors participated in finding a place of refuge for the ship without any damage to the marine environment. It was a reminder of the reminding challenges: it stressed the need better cooperation and collaboration, better availability of information and for standardisation of procedures. It lead to the creation of a platform of competent authorities and relevant actors which delivered the guidelines that improve the arrangement for Place of Refuge at EU scale. He also stressed that this challenge is a global one. This experience could therefore consist in a good practice example at international scale.
- **Mrs Isabelle RYCKBOST**, *Secretary General, European Sea Ports Organisation (ESPO)* stressed that the European Parliament played a major role in the whole process, starting with Erika I and II packages. In emergency situation the competent authorities have to act fast and in a coordinated

manner, the guidelines will restrict the loss of time in dealing with this accident she said. She pointed the important role of port in resolving the remaining question.

- **Mrs Kiran KHOSLA**, *Director Legal Affairs, International Chamber of Shipping (ICS)* stressed the implication of ICS in the framework of the International Maritime Organisation Assembly Resolution A90923 which provided internationally agreed guidelines on place of refuges for ships in need of assistance. The recent accidents stress the need for EU to develop operational guideline which would supplement this IMO resolution. The cooperation and collaboration with the industry was particularly welcomed and allowed the adoption of the operational guidelines. The guidelines will support decision making and benefit to all the stakeholders. She stressed that it is a living document and encourage the competent stakeholders to review and amend them. She welcomed the plan to present the guidelines to IMO, and stated that many other regions could benefit from this experience.
- **Mr Leendert MULLER**, *International Salvage Union (ISU)* explained that for maritime salvors the existence of clear and simple decision making process is vital. Risk of pollution cannot be excluded he said. He welcomed that the guidelines state that there won't be rejection of a casualty without an inspection. He called for EU global leadership in this matter and urged the participants and European decision makers to use their influence to make more progress at International scale.
- **Captain Richard GABRIELE**, *Head of Pollution and Incident Response at Transport, Malta* presented the test held on 1st September 2015 involving Malta and Italy with a collision between two ships. The test simulated an incident occurring in international water closer to Italy while due to the condition the vessel was drifted towards Maltese waters. He stressed that this kind of exercise will allow to amended efficiently the Guidelines.

Premiere of the [Video](#) from the 2015 Maltex Exercise EMSA.

EMSA demonstrated the [Union Maritime Information and Exchange System - Integrated Maritime Services](#).

Mrs Commissioner Violeta BULC, *Directorate-General for Transport and Mobility* congratulated all those involved in drafting the guidelines. She stressed the importance of such integrated and inclusive approach to face the challenges maritime transport faces.

Questions & Answers

Mr Andrew BARDOT, *International Group of P&I Clubs*, congratulated all those involved in this initiative. He stressed the need to focus on the implementation and promotion of the Guidelines.

Mr Ronnie HANZÉN, *Swedish Transport Agency*, asked how EMSA was able to know what kind of ship really is on the map.

Mr Jacob TERLING, *DG MOVE*, explained that the identification of the ships is based on the navigation certificate of each ship and therefore is accurate.

Mr Francesco MORETTI, *National Research Council of Italy* pointed the issue of time scale to support policy decision, the guidelines are addressing a complex system and need simulation, however he stressed that time scales are much shorter when you need to take an actual real decision, sometimes you have to be faster than the system can be. He asked how this issue was addressed.

Mr Jacob TERLING, *DG MOVE*, explained that the system used is based on AIS which is accurate. However, he agreed that there is a gap for small vessels and that big vessels can turn it off. DG MOVE and EMSA are working on this challenging issue but the technology can meet what is needed.

Mrs Ana MIRANDA highlighted the Spanish Court decision taken the day before regarding the responsibility for the Prestige accident. She deeply regretted that Galicia had to wait for 13 years before this judgment.

Mrs Antidia CITORES, *Surfrider Foundation* asked four questions to the speakers:

- She asked for some precisions regarding the decision making process and its independence.
- She wondered about the involvement of the NGO in the implementation of the guidelines as they deal with the pollution.
- She pointed out the issue of pollution compensation whether it occurs in the ports or in the way to the ports.
- She stressed that at night photos are not efficient so there is a need for other technologies.

Mr Hugh SHAW answered her first and second questions explaining that each incident is different in itself. There will be cases when decision has to be taken in hours. He said that each State has to have a “competent authority”, and that the decision making process depends on the national system. In the United-Kingdom it was decided to try to separate the politics from the practical decision making. Personally Mr Shaw would try to consult with how many people as possible but it's not always possible.

Captain Richard GABRIELE explained that Malta asks for financial guarantee before allowing a ship to enter its maritime space.

Mrs Kiran KHOSLA said that the guidelines only describe the compensation system.

Mrs Isabelle RYCKBOST also answered the third question regarding compensation. She stressed that it is a very complex issue which has to be discussed. There are a large set of options to tackle this challenge including a solidarity compensation scheme for instance.

Mrs Christine BERG, *Directorate General for Transport and Mobility* agreed that observation by night is challenging. She highlighted the recent development of flexible systems equipped with different sensor system, and stressed that EMSA is not only looking at security but also to environment and could therefore develop sulphur emission sensors for instance.

INTERGROUP SEAS, RIVERS, ISLANDS AND COASTAL AREAS



Mr Christophe TYTGAT, *ECSA*, stressed that it is important to care about the ships and the environment but he regretted that people working on the ships weren't considered in the discussions. He stated that we must care about the seafarers and treat them in a fairly manner.

Mrs Gesine MEISSNER agreed with Mr Tytgat. She also stressed that, in order to insure the attractiveness of the maritime transport sector, Europe needs to make these jobs more attractive to the youth.

Mr Jose Ignacio FARIA, *MEP, Member of the Intergroup*, saluted the quality of EMSA's work.

Mrs Gesine MEISSNER asked what would happen right now, with the guidelines, if the MSC Flaminia incident would occur again.

A participant said that the guideline as such will not prevent an accident. It is there to provide a functional system to handle incidents at sea and act when something occurs.

Mr Hugh SHAW explained that, the guidelines would allow the member States to communicate better and lead to a faster decision making process.